

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**INTERNATIONAL REFUGEE
ASSISTANCE PROJECT,**

Plaintiff,

– *versus* –

**UNITED STATES CITIZENSHIP
AND IMMIGRATION SERVICES;
and UNITED STATES
DEPARTMENT OF STATE,**

Defendants.

No. 1:19-cv-08905-JGK

Joint Status Report

Pursuant to the parties representation to the Court that they would file a joint status report on May 26, 2020, *see* ECF No. 32, and pursuant to Defendant United States Citizenship and Immigration Services (“USCIS”)’s request for a one-week extension on the joint status report, *see* ECF No. 33, Plaintiff International Refugee Assistance Project (“IRAP”) and Defendant USCIS hereby submit this Joint Status Report.

I. Background

In January 2020, USCIS provided IRAP with a Refugee Affairs Division Officer Training Course agenda. On February 7, IRAP provided USCIS with a list of first, second, and third priority documents it identified based on that agenda, and USCIS has been processing and producing documents based on those newly identified priority documents. The initial production of priority documents was supposed to occur in March 2020. *See* ECF No. 28. However, in light of the COVID-19 pandemic’s effect on USCIS’s operations, USCIS requested, and Plaintiff did not oppose, a one-month extension of processing and production deadlines, which the Court granted. *See* ECF No. 32. USCIS’s first production of priority documents occurred on April 17. The parties agreed they would provide a joint status report to the Court on May 26, 2020, *see id.*, and USCIS requested a one-week extension on the report, which Plaintiff did not oppose. *See* ECF No. 33. USCIS’s second production of priority documents occurred on June 1.

II. Current Status

USCIS’s Position

USCIS indicated in prior joint status report that the three categories of newly identified priority documents consisted of 558 pages. *See* ECF No. 28. However, the previous page count

was inaccurate due to a clerical error. In its April 2020 production, USCIS produced 635 pages of the priority documents. On June 1, 2020, USCIS produced 422 pages of priority documents. Between the 1057 pages in the April and June productions, USCIS has now completed the processing and production of the priority one documents. However, USCIS is still working on processing and producing the priority two and three documents. The page count for the priority two documents is 53 pages, and the page count for the priority three documents is 59 pages. USCIS anticipates processing and producing the priority two and three documents in the next monthly production on July 1, 2020.

IRAP has also requested that USCIS provide IRAP with the content from the “RAD Training Document Library,” which was referenced on page USCIS000874 in USCIS’s Second Production. USCIS is currently looking into this request. Any information that is produced in connection with the “RAD Training Document Library” would need to go through USCIS’s standard processing and production approval process, the same as all other documents, and any pages would count towards the 500/pages per month of USCIS processing.

As explained in earlier letters, after USCIS has completed the processing and production of the priority documents, and after IRAP has an opportunity to review the produced priority documents, the parties will confer regarding the remainder of the USCIS production.

IRAP’s Position

IRAP has sought to streamline production of documents responsive to its request, but those efforts have been undermined by USCIS.

In February, USCIS began processing the priority documents that IRAP identified, and represented that because the total page count of all three categories of priority documents was 558 pages and USCIS’s processing rate is 500 pages per month, production of the priority documents would be complete by April. *See* ECF No. 28. However, due to the pandemic, the Court granted USCIS a one-month extension of its production deadlines. *See* ECF No. 32. On May 18, the date of the scheduled May production, USCIS informed IRAP of another delay in production which it attributed to the added layer of DHS HQ review. *See* ECF No. 17 (discussing the second layer of DHS HQ Privacy review mandated by the White House). On May 26, still not having completed its May production, USCIS requested a one-week extension of the joint status report “to allow USCIS to complete its May production of priority documents, IRAP to review the documents once they have been produced, and to allow the parties additional time to confer regarding IRAP’s document requests.” ECF No. 33. However, USCIS continued to delay production until June 1, the eve of filing this status report. Yesterday USCIS also informed IRAP that its total page count for the priority documents was inaccurate¹ and that it will now take yet another production cycle—until July—to complete production of the priority documents IRAP identified in February.

IRAP has attempted to pursue other productive avenues of identifying priority documents within the request but has faced additional delay. In March, the parties informed the Court that

¹ Defendant Department of State also communicated yesterday that it had reported an inaccurately low total page count for responsive documents to IRAP, which IRAP relied on in agreeing to a low production rate. *See* ECF No. 34.

“IRAP identified another potential source of priority documents to narrow the request and streamline production, which USCIS is currently investigating”, ECF No. 28, which was in reference to the RAD Training Document Library. Despite multiple inquiries, USCIS has still reported no progress on what it committed to investigating months ago.

Because of these successive delays, IRAP has not had an opportunity to review the full set of priority documents it identified months ago and thus the parties have not been able to meaningfully confer regarding the trajectory of the remainder of USCIS’s production in this case. IRAP hopes to see significant progress on these issues in the next 30 days, but if not, it will seek the Court’s assistance.

III. Next Status Report

The parties propose they submit the next joint status report on July 15, 2020.

Dated: June 2, 2020

Respectfully submitted,

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